

(2)  
No. 91-319

Supreme Court, U.S.

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IN THE

# Supreme Court of the United States

OCTOBER TERM, 1991

TOM J. BILLMAN, CRYSOPT CORPORATION,  
BATTS NECK CORPORATION, AND FIRST THROUGH SIXTH  
BATTS NECK COMPANIES,

*Petitioners,*

v.

STATE OF MARYLAND DEPOSIT INSURANCE FUND CORP.  
AND COMMUNITY SAVINGS AND LOAN, INC.,

*Respondents.*

PETITION FOR A WRIT OF CERTIORARI TO THE  
COURT OF SPECIAL APPEALS OF MARYLAND

## OPPOSITION TO PETITION FOR A WRIT OF CERTIORARI

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## QUESTIONS PRESENTED

1. Whether this Court should consider a petition for a writ of certiorari filed by a fugitive from justice and his wholly-owned corporations.
2. Whether the due process clause of the United States Constitution requires an evidentiary hearing prior to the grant of equitable relief after entry of a default judgment as to liability

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No. 91-319

In The  
Supreme Court of the United States  
October Term, 1991

Tom J. Billman, et al.,  
Petitioners,

v.

State of Maryland Deposit Insurance  
Fund Corp., et al.,

Respondents

**RESPONDENTS' BRIEF IN  
OPPOSITION TO PETITION FOR  
WRIT OF CERTIORARI**

The respondents, Community Savings  
and Loan, Inc. ("Community") and  
Community's Receiver, the State of  
Maryland Deposit Insurance Fund  
Corporation ("MDIF"), oppose the  
petition for a writ of certiorari filed  
by Tom J. Billman, Crysopt Corporation,

Batts Neck Corporation, and First through Sixth Batts Neck Companies.

#### STATEMENT OF THE CASE

Having been defaulted for failing to provide discovery, petitioner Tom J. Billman, a fugitive from justice and his corporations, came to this Court to seek relief.

Community and MDIF, as Community's Receiver, filed suit against the petitioners on September 26, 1986. On November 7, 1989, the petitioners failed to appear for depositions, and MDIF requested entry of default judgments as sanctions for the failure of discovery. After a hearing, the trial court entered default judgments as to liability and ruled that the facts stated in the complaint were deemed established and that the petitioners could not oppose MDIF's claims. The

trial court requested briefs and scheduled a hearing to determine the issue of appropriate relief.

At the hearing, the trial court granted MDIF's request that title to the property involved in the lawsuit be returned to MDIF and rejected the petitioners' argument that an evidentiary hearing was necessary before granting this equitable relief. The Court of Special Appeals of Maryland affirmed the trial court's rulings, and the Court of Appeals of Maryland denied the petitioner's request for a writ of certiorari.

#### **REASONS FOR DENYING THE WRIT**

#### **SUMMARY OF ARGUMENT**

This case involves a judgment by default rendered against a criminal fugitive and his corporations. It raises no novel or significant

constitutional issues. Moreover, petitioners are disentitled, by Tom Billman's fugitive status, from calling upon this Court for relief.

I. The petitioners are fugitives from justice and thus, disentitled from calling on the resources of this Court.

On December 21, 1988, the United States District Court for the District of Maryland issued a criminal complaint and arrest warrant for Tom J. Billman. In the complaint, Billman was charged with mail fraud, wire fraud, and interstate transportation of money obtained by fraud. When the warrant was issued, no one in the United States Attorney's office for the District of Maryland knew Billman's whereabouts, although it was believed that he was avoiding federal authorities. See Affidavit of Breckinridge L. Willcox

("Willcox Affidavit") (Oct. 6, 1989)  
(App. 1-4).

As part of its efforts to locate Billman, the federal government obtained a court order that permitted the recording of telephone calls made to and from Barbara A. McKinney ("McKinney"). One of the recorded conversations took place on May 19, 1989 between Billman and McKinney. Excerpts from the transcript of this conversation and the affidavit of Joyce K. McDonald verifying the transcripts accuracy are included in the Appendix. In that May 19 conversation, Billman indicated that he was in communication with his lawyer. (App. 10). He discussed his concern that his phone calls were being recorded, (App. 14-17), stated that he was on the move all the time, (App. 16-17), and

discussed his awareness of possible criminal charges, (App. 19).

On June 26, 1989, the United States Attorney issued a press release concerning the arrest warrant, and the Washington Post, the Baltimore Sun, and the Wall Street Journal printed stories that clearly stated that Billman was wanted by the federal authorities. Willcox Affidavit. (App. 3-4). On January 30, 1990, Billman was indicted by the United States District Court for the District of Maryland for conspiracy to commit mail and wire fraud, mail fraud, wire fraud, and racketeering. United States v. Tom J. Billman, et al., Criminal No. B-89-0466 (D. Md. Jan. 30, 1990) (App. 3). To date, Billman is still at large.

**A. Billman is a fugitive.**

The definition of fugitive includes an individual who has been indicted, but not yet arrested. United States v. Certain Real Property Located at 760 S.W. First Street, Miami, Florida, 702 F. Supp. 575, 576 (W.D.N.C. 1989). An individual's refusal to return to face criminal charges "speaks as loudly as any guilty plea in these circumstances." Schuster v. United States, 765 F.2d 1047, 1051 (11th Cir. 1985). Furthermore, "a person who learns of charges while legally outside the jurisdiction 'constructively flees' by deciding not to return." United States v. One Lot of United States Currency Totalling \$506,537, 628 F. Supp. 1473, 1476 (S.D. Fla. 1986).

In this case, there has been an arrest warrant outstanding for Billman since December, 1988. He indicated his

awareness of pending criminal charges as well as his efforts to evade the authorities in his May 19 conversation with McKinney. He has been in communication with his attorney, who indicated that he would inform Billman of the criminal charges. Yet, Billman remains at large and must be considered a fugitive from justice.

**B. Billman's corporations are also fugitives.**

Crysopt Corporation ("Crysopt") is a Delaware corporation wholly owned by Billman. Complaint ¶ 15. (66a).<sup>1/</sup>

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<sup>1/</sup> Pursuant to the default judgment entered against all defendants on February 23, 1990, the allegations in the complaint in State of Maryland Deposit Insurance Fund Corporation, et al. v. Batts Neck Corporation, et al., Civil Action No. 18009, in the Circuit Court for Montgomery County were deemed established. The complaint is included in the appendix to the petition for a writ of certiorari and the pages referenced refer to that appendix.



Batts Neck Corporation ("BNC") is a Maryland corporation wholly owned by Crysopt. Id. ¶ 11. (65a). First Batts Neck Company, Second Batts Neck Company, Third Batts Neck Company, Fourth Batts Neck Company, Fifth Batts Neck Company, and Sixth Batts Neck Company ("Batts Neck 1-6") are also Maryland corporations and are wholly owned subsidiaries of BNC. Id. ¶ 12. (App. 65a). BNC and Batts Neck 1-6 have forfeited their charters, and Crysopt has not been an active corporation in the State of Maryland since April 2, 1987.

Billman is the only director of all eight corporations. His counsel conceded the identity of Billman and these eight corporations on at least two occasions. On December 7, 1988, in State of Maryland Deposit Insurance

Fund Corp., et al. v. Billman, et al.,  
Civil Action No. 11073 (Circuit Court  
for Montgomery County), Crysopt's  
counsel objected to the assessment of  
separate contempt penalties against  
Billman and Crysopt because "the only  
stockholder, the only director of  
Crysopt is Tom Billman . . . . I mean,  
he's it." Transcript of December 7,  
1988 hearing at 26-27. (App. 23-24).  
Again on January 30, 1990, Crysopt's,  
BNC's and Batts Neck 1-6's counsel  
stated that Billman was the only person  
who could respond to notices of  
deposition for these corporations.  
Transcript of January 30, 1990 Hearing  
at 13. (45a-46a). These post-trial  
admissions in open court that Billman  
and his wholly-owned corporations are  
one and the same binds these parties  
now. Prince Georges Properties, Inc.

v. Rogers, 275 Md. 582, 587-88, 341 A.2d 804, 807-08 (1975).

Furthermore, a corporation may act only through its agents. Bob Holding Corp. v. Normal Realty Corp., 223 Md. 260, 266, 164 A.2d 457, 460 (1960). Normally, these agents include the corporation's officers and directors. Bodnar v. Brinsfield, 60 Md. App. 524, 534, 483 A.2d 1290, 1296 (1984). When an officer or director acts, the act is that of the corporation. Silver Spring Development Corp. v. Guertler, 257 Md. 291, 297, 262 A.2d 749, 753-54 (1970).

In this case, Billman is the sole officer, director and shareholder of Crysopt and through Crysopt, BNC and Batts Neck 1-6. Accordingly, these corporations can act only through him or through an agent appointed by him. Because Billman is a fugitive from justice, these corporations cannot act

in his absence, and thus, also must be considered fugitives.

If this Court does not treat Billman's corporations as fugitives, it would allow Billman's alter egos to escape the consequences of Billman's acts. It would elevate form over substance and allow Billman to manipulate the corporate law of the State of Maryland as he has attempted to manipulate the judicial process. For these reasons, Crysopt, BNC, and Batts Neck 1-6 should be considered fugitives from justice.

**C. This petition should not be considered.**

A court may dismiss fugitives' appeals because fugitives disentitle themselves to call upon the resources of the court. Molinaro v. New Jersey, 396 U.S. 365, 366 (1970). Although

the fugitive appeal doctrine arose in criminal cases, the circuit courts of appeal have applied the doctrine in situations in which a fugitive from the criminal justice system has a pending civil appeal.

In Doyle v. United States Department of Justice, 668 F.2d 1365 (D.C. Cir. 1981), cert. denied, 455 U.S. 1002 (1982), for example, the court refused to allow a fugitive to use the resources of the courts to adjudicate a Freedom of Information Act claim. Id. at 1366. Similarly, in United States v. \$45,940 in United States Currency, 739 F.2d 792 (2d Cir. 1984), the court found that a fugitive from justice was not entitled to call upon the resources of a federal court to determine his claims in a related civil forfeiture proceeding. The court

rejected the appellant's claim that he was "involuntarily deported" by the Immigration and Naturalization Service. Id. at 796. In Broadway v. City of Montgomery, Alabama, 530 F.2d 657 (5th Cir. 1976), the court dismissed the appeal because the appellant was a fugitive from a conviction in a state court. According to the court, "it is immaterial that the custody from which [the fugitive] fled is that of another sovereign." Id. at 659. See also Conforte v. Commissioner, 459 U.S. 1309, 1311-12 (1983) (Chambers Opinion) (in denying stay of United States Court of Appeals for the Ninth Circuit's decision, now-Chief Justice Rehnquist indicated support for application of fugitive appeal doctrine to civil appeals); Shaw v. Estelle, 542 F.2d 954, 955 (5th Cir.

1976); Beckett v. Cuyler, 523 F. Supp. 104, 106 (E.D. Pa. 1981); Seibert v. Johnston, 381 F. Supp. 277, 279-80 (E.D. Okla. 1974).

It cannot be disputed that Billman is a fugitive from the federal criminal justice system. It also cannot be disputed that Crysopt, BNC, and Batts Neck 1-6 are controlled by and identical to Billman. Because Billman and his corporations must be considered fugitives from justice, this Court should not entertain their petition for a writ of certiorari.

II. The petitioners had no right to an evidentiary hearing on MDIF's request for equitable relief.

Due process requires that a litigant have the opportunity for a hearing appropriate to the nature of the case. Logan v. Zimmerman Brush Co., 455 U.S. 422, 437 (1982). Due

process does not preclude entry of a default judgement for violation of a court order. Hammond Packing Co. v. Arkansas, 212 U.S. 322, 351 (1909). Neither does it mandate an evidentiary hearing prior to entry of a default judgment. HMG Property Investors, Inc. v. Parque Industrial Rio Canas, Inc., 847 F.2d 908, 919 (1st Cir. 1988). Rather, the trial court has the discretion to enter judgment without an evidentiary hearing if the record in the case demonstrates an adequate basis for the relief granted. Id.

In this case, the Circuit Court for Montgomery County, after a hearing, entered a default judgment as to liability against the petitioners as a sanction for their failure to participate in discovery.



(37a-38a).<sup>2/</sup> The trial court also directed all parties to submit briefs regarding the , appropriate relief, (38a), and held a hearing on that issue on March 6, 1990. (20a). The court rejected the petitioners' argument that an evidentiary hearing was required. (34a). The petitioners received the due process appropriate to this case.

As a result of the default judgment as to liability, the facts in the complaint were deemed admitted. (37a). The ruling established that the petitioners usurped a corporate opportunity of Community and did so with funds acquired from Community. (66a-67a, 74a). As the Court of Special Appeals of Maryland said,

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<sup>2/</sup> All page references in this section are to the appendix to the petition for a writ of certiorari.

"[w]hen the purchase of property is found to be an usurpation of a corporate opportunity and the corporation's money was used, the corporation is entitled to delivery of the property outright or the entire proceeds of the sale of the property."

(14a). See also Note, Corporate Opportunity, 74 Harv. L. Rev. 765, 768, 777 (1961). Under these circumstances, the lack of an evidentiary hearing did not violate due process.

#### CONCLUSION

For the foregoing reasons, this Court should deny the petition for a writ of certiorari.

Respectfully submitted,

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AFFIDAVIT OF BRECKINRIDGE L. WILLCOX

I am the United States Attorney for the District of Maryland, and I am personally involved in the criminal investigation into the circumstances surrounding the collapse of Community Savings & Loan. Tom J. Billman has been charged criminally as a result of that investigation. I consider him to be a fugitive from justice for the reasons set forth below.

A criminal complaint and warrant for the arrest of Tom J. Billman was issued on December 21, 1988, by United States Magistrate Daniel E. Klein. Billman was charged with mail fraud, wire fraud and interstate transportation of money obtained by fraud, in violation of 18 U.S.C.

§§51341, 1343 and 2314. At the time the warrant was issued, Billman's whereabouts were not known to me, to my staff or to the investigators working on the case. We had reason to believe that Billman was avoiding federal authorities.

From December 21, 1988 until approximately June 23, 1989, surreptitious efforts were made to locate Billman. These measures were unsuccessful. We learned that Billman had been seen on several occasions in different European countries, but we were unable to locate him. I have reason to believe that Billman has been outside the United States from the time the warrant was issued until the present.

On or about June 23, 1989, we

notified Billman's attorney, John R. Fornaciari, that there was an arrest warrant outstanding for Billman. Billman's lawyer indicated that he heard from him periodically but only when Billman telephoned him and that he had no way to telephone Billman directly. Mr. Fornaciari told me that when Billman next telephoned him, he would tell Billman of the existence of the warrant and would advise him to return to the United States voluntarily.

On June 26, 1989, I issued a press release concerning the warrant in which I asserted that we believed Billman "has fled to Europe to avoid arrest and prosecution." The Washington Post, the Baltimore Sun and the Wall Street Journal printed stories on June 27 and 28, which clearly stated that Billman

was wanted by federal authorities for crimes arising out of the collapse of Community Savings and Loan.

Subsequent to publicizing the warrant, additional measures have been taken to locate Billman, without success. We have received additional information indicating that Billman has no intention of ever returning to the United States. 18 U.S.C. §1073 makes it a felony to flee from prosecution. If Billman is apprehended, he may be charged under that section. I have directed that Billman is to be arrested wherever he is found. If that is outside the United States, we will begin extradition proceedings immediately.

/S/BRECKINRIDGE L. WILLCOX  
United States Attorney



IN THE COURT OF APPEALS OF MARYLAND

STATE OF MARYLAND DEPOSIT  
INSURANCE FUND CORPORATION,  
et al.,

Appellants, Case No. 143

v. September Term,  
1989

TOM J. BILLMAN, et al.,

Appellees.

\* \* \* \* \*

AFFIDAVIT OF JOYCE K. McDONALD

STATE OF MARYLAND

CITY OF BALTIMORE, to wit:

I, Joyce K. McDonald, being duly  
sworn, hereby state as follows:

1. I am over the age of 18  
years, have personal knowledge of the  
facts contained herein and am competent  
to be a witness.

2. I am an Assistant United  
States Attorney for the District of  
Maryland and have been assigned since

1986 to the investigation of the collapse of Community Savings and Loan. I am authorized to make this Affidavit for consideration by the Court as indicated by the seal of the United States Attorney for the District of Maryland which is affixed beside my signature.

3. The investigation of the collapse of Community Savings and Loan led to entry on August 15, 1989, of a temporary restraining order pursuant to the Racketeer Influenced Corrupt Organization Act (RICO), 18 U.S.C. §1962(d), In Re: Assets of Tom J. Billman, Civil No. B89-2310. The Order was directed to Barbara A. McKinney and her parents, Robert and Roselyn Budjac, and prohibited them from spending monies received from Tom J. Billman,

including the proceeds of a wire transfer of \$499,935.89 made on May 17, 1989, from Barclay's Bank by an English solicitor who has identified his client as Tom J. Billman.

4. The enclosed transcripts are of telephone conversations occurring on May 9, 18 and 19, 1989, which were recorded by court order pursuant to 18 U.S.C. §2516, et seq. The tape recordings were admitted as Exhibits 1, 3 and 5, and played at a hearing held on Wednesday, February 14, 1990, before the Honorable Walter E. Black, Jr., United States District Judge for the District of Maryland, in the case of In Re: Assets of Tom J. Billman. The transcripts were used by the Court and the parties at the hearing and have been agreed to be accurate. The

hearing involved whether an injunction continuing the restraining order should be entered or whether the order should be vacated.

5. The transcript of the telephone conversation of May 19, 1989, between Barbara A. McKinney and Tom J. Billman contains, on pages 3-5, a discussion regarding Judge McKenna of the Circuit Court for Montgomery County and MDIF v. Billman, et al, in which Billman indicates that he has been "found in contempt of court again."

6. Tom J. Billman, Clayton C. McCuistion, Barbara A. McKinney, and Crysopt Corporation have been indicted for mail fraud, wire fraud and conspiracy in United States v. Tom J. Billman, Criminal No. B89-0466. That

indictment also charges Tom J. Billman and Crysopt Corporation with racketeering.

7. I hereby certify that I have reviewed the attachments to MDIF's Submission of Certified Copies of Pleadings from the cases of In Re: Assets of Tom J. Billman, Civil No. B89-2310 and United States v. Tom J. Billman, et al., Criminal No. B89-0466, and those attachments are true and correct copies of pleadings filed in those cases with the United States District Court.

/S/Joyce K. McDonald

App. 10

TRANSCRIPT

INCOMING CALL TO (703) 455-1440

DATE: FRIDAY, MAY 19, 1989

TIME: 11:44 AM - 12:17 PM

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[MATERIAL OMITTED]

BILLMAN: I talked to Jack about twenty minutes today.

MCKINNEY: Oh, okay.

BILLMAN: And (UNINTELLIGIBLE), and that guy, McGuirk, is testifying on Monday and Tuesday.

MCKINNEY: Oh.

BILLMAN: So, ah, or at least on Monday and Jack thinks it'll go to the jury then.

MCKINNEY: Okay.

BILLMAN: So, maybe that'll affect it one way or another. I don't know.

MCKINNEY: Well, certainly if he wins, ah, they'd be hard pressed to bring yet another one that's even weaker.

BILLMAN: Well, you'd think so. Ah, but who knows with these idiots.

MCKINNEY: Yeah.

BILLMAN: I mean, they've, you know, they've got a propensity to make up their own mind. It was encouraging that Jack spent some time with Kaplan yesterday.

MCKINNEY: Oh!

BILLMAN: In which they beat on him pretty hard about settlement.

MCKINNEY: Oh, yeah?

BILLMAN: And they said they had to have twelve to fifteen. And Jack said well, he thought that was a bit much, but we might be able to do something, and Kaplan was kind of encouraging, I thought. And so Jack's gonna go back with them with some other numbers on the first and see if we can get some, some movement. And Jack said they were flexible on the other areas, too.

MCKINNEY: What was he doing in front of Kaplan?



BILLMAN: Oh, ah, they went...the, the State's talking about trying to reach, trying to have another trial now on the Batts Neck (UNINTELLIGIBLE).

MCKINNEY: Oh.

BILLMAN: And Jack said that that's the res judicata, you know?

MCKINNEY: Right.

[MATERIAL OMITTED]

MCKINNEY: Oh God, no! I ah, God, I miss you. My body ...just aches for you and you know, you know, that's the other thing. I wanted to say some things on the phone last week and Mabel, you know, has no place to go when I do.

BILLMAN: Right

MCKINNEY: ... and she was sitting right -  
on the other side of the desk.

BILLMAN: I see. Well, it's, it's not  
any more convenient for you  
to call from there than here,  
right?

MCKINNEY: No, it's, it's less  
convenient there.

BILLMAN: Okay.

MCKINNEY: But, ah, but whatever is best  
for you is what I can do.

BILLMAN: Well, the value of that, of  
that place is, is that  
there's absolutely no way  
they can pick anything.

MCKINNEY: That's right.

BILLMAN: This one with a single line,  
who knows?

MCKINNEY: Yeah.

BILLMAN: And, ah, you know, I mean, I, I just don't know. It, the whole thing just scares the shit out of me. The phones, in fact, I mean, frankly, at some point I'm planning just to discontinue phone use.

MCKINNEY: God.

BILLMAN: Hmmmm?

MCKINNEY: I said, "Oh God". I understand, but...

BILLMAN: Well, what I'm, I'm gonna have to make some shifts in what I'm doing, and when I do that I can't risk the phones.

MCKINNEY: All right.

[MATERIAL OMITTED]

MCKINNEY: Are you healthy? Are you eating well?

BILLMAN: Well, I've been drinking too much, and I've been eating terribly. I mean just awful.

MCKINNEY: You ought to make sure you throw in some veggies for counter-balancing.

BILLMAN: I mean it's just so goddamn hard, as you know, in many places.

MCKINNEY: Yeah.

BILLMAN: And, ah, also I mean, if you go in many places and get vegetables what they do is give you vegetables with grease.

MCKINNEY: Yeah, fried veggies.

BILLMAN: Well, sure and you get french fries, you know, and so forth. And, ah, and ah, I'm not in the position where I can go into a restaurant and go get stuff cooked and so forth. And ah, but I've been thinking about that, I've, I'm seriously deciding to, that's what I'm thinking about with the phones. That I'm gonna have to change what I do, and if I do, then, the whole circumstance will have changed. But then I can end up with, with some decent food and some decent habits. This being on the move all the time has put me in the position where I can't exercise...

MCKINNEY: Yeah.

[MATERIAL OMITTED]

BILLMAN: ...he said, "Look, if you wanna do this, we're gonna, you know, get back to you with what we can..." and they said they'd try to bring the IRS into it. Of course, that's gonna be fruitless.

MCKINNEY: Yeah. And I, first of all the IRS won't talk to them.

BILLMAN: Well, that's right. But Kaplan said, well, he's brought agents in before for settlement and he could do it this time. And, ah, but ah, you might remind Jack

sometime to give a thought about it, that with this case it's way premature and we just have to fight for our number that we want and then we'll worry about the IRS separately.

MCKINNEY: Yeah, okay.

BILLMAN: Because otherwise, and I don't want other people, once you do and they all insist to sit down and decide the number they'll carve up of.

MCKINNEY: Right. Right.

BILLMAN: I haven't done this to be put in that position.

MCKINNEY: That's right. Well, was there discussion in the Kaplan conversation about the criminal?

BILLMAN: No.

App. 20

MCKINNEY: Is Jack going to wait until,  
we get agreement on the  
number and then bring that  
up, or what?

BILLMAN: That's right.

MCKINNEY: Okay...

BILLMAN: Yeah, th- well, we've told  
them all along that it has to  
end.

MCKINNEY: Right.

[MATERIAL OMITTED]



IN THE CIRCUIT COURT FOR  
MONTGOMERY COUNTY, MARYLAND

MARYLAND STATE DEPOSIT  
INSURANCE FUND,

Plaintiff,

v.

Civil Action  
No. 11073

TOM J. BILLMAN, et al.,

Defendants.

Rockville,  
Maryland

December 7,  
1988

WHEREUPON, proceedings in the  
above-entitled matter commenced

BEFORE: THE HONORABLE J. JAMES  
MCKENNA, Judge

APPEARANCES:

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FOR THE DEFENDANT:

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Washington, DC 20006

PROCEEDINGS

MR. FORNACIARI: I think it's much too high, Your Honor. If he's going to base it on the net worth as reported in this court under oath of Mr. Billman, Mr. Billman has a negative net worth. That's part of the record; he put it in.

THE COURT: Well, that isn't my recollection of the evidence in this case, Mr. Fornaciari.

Let me just get some numbers together. We're talking about \$300,000.00 at the end of a 30-day period; is that correct?

MR. DILLOFF: Yes.

THE COURT: And what was the second part of that?

MR. DILLOFF: Fifty thousand dollars per day starting with the thirty-first day.

I might add, Your Honor, that -- I want to make sure the record is clear we're asking for that both against Billman individually, as well as Crysopt, 'cause there's two people, two entities.

THE COURT: Well, one is -- paragraph one has to do with Crysopt; paragraph two has to do with Billman.

MR. DILLOFF: That's correct, sir.

MR. FORNACIARI: Your Honor, I would object to having two fines here. It's already been testified on the record, and it's part of the submission we made on the Fifth Amendment issue,

that the only stockholder, the only director of Crysopt is Tom Billman. There are no employees of Crysopt any longer. I mean, he's it.

So, I mean, if you're gonna fine, which is essentially what you're doing, Billman, you're fining him. Twenty thousand dollars a day seems to be extremely high.

MR. DILLOFF: Your Honor, I'm trying to catch Mr. Billman's attention.

MR. FORNACIARI: Well, Your Honor.

MR. DILLOFF: And I think Mr. Billman is trifling with this Court.

MR. FORNACIARI: I don't think so, Your Honor.

THE COURT: Well, I think he is. And as regards the first paragraph, I'm gonna make it 5,000 in

one, paragraph one, and 5,000 in paragraph two.

MR. FORNACIARI: Your Honor, I specifically object to paragraph two of this Order as well. There has been no motion for attorneys fees made, no opportunity to respond. I'm sure Maryland follows the same rule as the American rule. There's no right to attorneys fees here; this isn't discovery matter. I mean, they made a motion for contempt and they won.